PROSKAUER ROSE LLP

Gregory I. Rasin Elise M. Bloom Steven D. Hurd 1585 Broadway New York, New York 10036 (212) 969-3000 Attorneys for Defendant

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JANNIE PILGRIM, GIOVANNA HENSON, :

JESAN SPENCER, BRENDA CURTIS, : Civil Action No.: 07-6618 (CM) (AJP)

:

against

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.

Plaintiffs,

-----X

#### **DEFENDANT'S PROPOSED SPECIAL VERDICT FORMS**

Defendant The McGraw-Hill Companies, Inc. ("Defendant" or "McGraw-Hill"), by and through its undersigned counsel, submits the attached Proposed Special Verdict Forms.

Respectfully submitted,

PROSKAUER ROSE LLP

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New York, New York

(212) 969-3000

grasin@proskauer.com

Dated: June 27, 2008

New York, New York By: <u>/s/ Gregory I. Rasin</u>

Gregory I. Rasin Elise M. Bloom Steven D. Hurd

ATTORNEYS FOR DEFENDANT

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Attorneys for Defendant

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#### DEFENDANT'S PROPOSED SPECIAL VERDICT FORM FOR PLAINTIFF PILGRIM'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

#### **AS TO PLAINTIFF PILGRIM.**

#### AS TO PLAINTIFF PILGRIM'S RACE DISCRIMINATION CLAIM.

Question No. 1.	Ę ,	ou in the Jury Charges, did Ms. Pilgrim e of the evidence that McGraw-Hill the basis of her race?
	YES	NO
If your answer is Question No. 3.	YES, proceed to Question No	o. 2. If your answer is NO, proceed to

Question No. 2.	Hill prove, by a preponderal	you in the Jury Charges, did McGrawnce of the evidence, that it would have pertaining to Ms. Pilgrim regardless of
	YES	NO
Proceed to Quest	tion No. 3.	
AS TO PLAINTIFF	PILGRIM'S RETALIATION	CLAIM.
Question No. 3.	prove by a preponderance	ou in the Jury Charges, did Ms. Pilgrim of the evidence that McGraw-Hill e she complained of discrimination?
	YES	NO
If your answer is Instruction A.	YES, proceed to Question No	o. 4. If your answer is NO, proceed to
Question No. 4.	Hill prove, by a prepondera	you in the Jury Charges, did McGrawnce of the evidence, that it would have pertaining to Ms. Pilgrim regardless of ion?
	YES	NO
Proceed to Instri	action A.	
Instruction A		
a. If you answe Court.	red both Questions 1 and 3	NO, proceed no further and report to
b. If you answe	red both Questions 2 and 4	YES, proceed no further and report to

Court.

Question No. 5.			a preponderance f compensatory of	
	YES		NO	 
Proceed to Que	stion No. 6.			
Question No. 6.	compensatory	_	inst Defendant M	_
Sign the verdict	form below and	report to the C	ourt.	
DATED THIS DAY	Y OF	, 2008:		
Foreperson				
END OF VERDICT FOR	$^{\prime}M$			

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New York, New York 10036
(212) 969-3000
Attorneys for Defendant

## 

#### DEFENDANT'S PROPOSED SPECIAL VERDICT FORM FOR PLAINTIFF CURTIS'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

#### **AS TO PLAINTIFF CURTIS.**

#### AS TO PLAINTIFF CURTIS'S RACE DISCRIMINATION CLAIM.

Question No. 1.	Under the law as given to you in the Jury Charges, did Ms. Curtis prove by a preponderance of the evidence that McGraw-Hill discriminated against her on the basis of her race?		
	YES	NO	_
If your answer is Question No. 3.	YES, proceed to Q	Question No. 2. If your answer is NO, prod	ceed to

Question No. 2.	Hill prove, by a preponderar	ou in the Jury Charges, did McGraw- nce of the evidence, that it would have pertaining to Ms. Curtis regardless of
	YES	NO
Proceed to Quest	ion No. 3.	
AS TO PLAINTIFF	CURTIS'S RETALIATION C	<u>CLAIM</u> .
Question No. 3.	prove by a preponderance	ou in the Jury Charges, did Ms. Curtis of the evidence that McGraw-Hill eshe complained of discrimination?
	YES	NO
If your answer is Instruction A.	YES, proceed to Question No	o. 4. If your answer is NO, proceed to
Question No. 4.	Hill prove, by a preponderar	ou in the Jury Charges, did McGraw- nce of the evidence, that it would have pertaining to Ms. Curtis regardless of ion?
	YES	NO
Proceed to Instru	ction A.	
Instruction A		
a. If you answer Court.	red both Questions 1 and 3 1	NO, proceed no further and report to

- b. If you answered both Questions 2 and 4 YES, proceed no further and report to Court.

Question No. 5.		-	a preponderance of compensatory	
	YES		NO	 
Proceed to Que	stion No. 6.			
Question No. 6.	compensator	_	ainst Defendant	
Sign the verdict	form below and	l report to the (	Court.	
DATED THIS DA	Y OF	, 2008	3:	
Foreperson				
END OF VERDICT FOR	$^{2}M$			

PROSKAUER ROSE LLP Gregory I. Rasin Elise M. Bloom Steven D. Hurd 1585 Broadway New York, New York 10036 (212) 969-3000 Attorneys for Defendant  UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
JANNIE PILGRIM, GIOVANNA HENSON, JESAN SPENCER, BRENDA CURTIS,	: Civil Action No.: 07-6618 (CM) (AJP)
Plaintiffs,	: :
against	: :
THE MCGRAW-HILL COMPANIES, INC.,	· :
Defendant.	: X
	SPECIAL VERDICT FORM (ENSON'S CLAIMS)  by find by the preponderance of the evidence as

### AS TO PLAINTIFF HENSON.

### AS TO PLAINTIFF HENSON'S RACE DISCRIMINATION CLAIM.

Question No. 1.	Under the law as given to you in the Jury Charges, did Ms. Hen prove by a preponderance of the evidence that McGraw-discriminated against her on the basis of her race?	
	YES	NO
If your answer is Question No. 3.	YES, proceed to Question No	o. 2. If your answer is NO, proceed to

Question No. 2.	Under the law as given to you in the Jury Charges, did McGraw Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Henson regardless of her race?			
	YES	NO		
Proceed to Ques	tion No. 3.			
AS TO PLAINTIFF	HENSON'S RETALIATION	<u>CLAIM</u> .		
Question No. 3.	prove by a preponderance	ou in the Jury Charges, did Ms. Hensor e of the evidence that McGraw-Hill e she complained of discrimination?		
	YES	NO		
If your answer is Instruction A.	s YES, proceed to Question No	o. 4. If your answer is NO, proceed to		
Question No. 4.	Hill prove, by a prepondera	you in the Jury Charges, did McGraw- nce of the evidence, that it would have pertaining to Ms. Henson regardless of tion?		
	YES	NO		
Proceed to Instri	uction A.			
Instruction A				
	ered both Questions 1 and 3	NO, proceed no further and report to		
b. If you answe Court.	red both Questions 2 and 4	YES, proceed no further and report to		

Question No. 5.	Has Ms. Henson proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?		
	YES	NO	
Proceed to Que	stion No. 6.		
Question No. 6.	•	to Question No. 5 is Y nages against Defendant Mof \$	
Sign the verdict	t form below and repor	rt to the Court.	
DATED THIS DA	Y OF	, 2008:	
Foreperson			
END OF VERDICT FOR	RM		

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Elise M. Bloom
Steven D. Hurd
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New York, New York 10036
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Attorneys for Defendant

## 

# DEFENDANT'S PROPOSED SPECIAL VERDICT FORM FOR PLAINTIFF SPENCER'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

#### **AS TO PLAINTIFF SPENCER.**

#### AS TO PLAINTIFF SPENCER'S RACE DISCRIMINATION CLAIM.

Question No. 1.	Ms. Spencer prove by a	to you in the Jury Charges, did preponderance of the evidence that against her on the basis of her race?
	YES	NO
If your answer is Question No. 3.	s YES, proceed to Question No	o. 2. If your answer is NO, proceed to

Question No. 2.	Under the law as given to you in the Jury Charges, did McGraw Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Spencer regardless of her race?		
	YES	NO	
Proceed to Quest	tion No. 3.		
AS TO PLAINTIFF	SPENCER'S RETALIATION	NCLAIM.	
Question No. 3.	Ms. Spencer prove by a	to you in the Jury Charges, did preponderance of the evidence that ainst her because she complained of	
	YES	NO	
If your answer is Instruction A.		o. 4. If your answer is NO, proceed to	
Question No. 4.	Hill prove, by a prepondera	you in the Jury Charges, did McGraw- nce of the evidence, that it would have pertaining to Ms. Spencer regardless of tion?	
	YES	NO	
Proceed to Instri	action A.		
Instruction A			
a. If you answe Court.	red both Questions 1 and 3	NO, proceed no further and report to	
b. If you answe	red both Questions 2 and 4	YES, proceed no further and report to	

Question No. 5.	Has Ms. Spencer proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?		
	YES NO		
Proceed to Que	stion No. 6.		
Question No. 6.	If your answer to Question No. 5 is YES, Ms. Spencer's compensatory damages against Defendant McGraw-Hill, <b>if any</b> , are in the amount of \$		
Sign the verdict	form below and report to the Court.		
DATED THIS DA	Y OF, 2008:		
Foreperson			
END OF VERDICT FORM			